

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Darwin HERNANDEZ-MENDEZ

Case No.

Case: 2:24-mj-30254

Assigned To : Unassigned

Assign. Date : 7/3/2024

Description: COMP USA V.

HERNANDEZ-MENDEZ (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2024 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Title 8 U.S.C. Sec. 1326(a)

Offense Description

Unlawful Reentry Following Removal from the United States

This criminal complaint is based on these facts:

On or about June 2, 2024, in the Eastern District of Michigan, Southern Division, Darwin HERNANDEZ-MENDEZ, an alien who had previously been removed from the United States on or about November 15, 2023 at Alexandria, Louisiana, was thereafter found in the United States without the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security, to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 3, 2024

City and state: Detroit, Michigan


Complainant's signature

Jason Bylow, Deportation Officer

Printed name and title


Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL
COMPLAINT AND ARREST WARRANT

I, Jason Bylow, hereby declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), of the United States Department of Homeland Security (DHS). I have been employed in this capacity since October of 2020. I am assigned to the Alternatives to Detention (ATD) Targeting Team in the ICE ERO Detroit Field Office.
2. I submit this affidavit in support of a criminal complaint and arrest warrant for Darwin Odonel HERNANDEZ-MENDEZ, an alien who has previously been removed from the United States on or about November 15, 2023 at Alexandria, Louisiana, and was thereafter found in the United States on or about June 2, 2024, without the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission, all in violation of Title 8, United States Code, § 1326(a).
3. The facts set forth in this affidavit are based upon my personal knowledge, training and experience, information provided to me by other law enforcement officers to include ICE ERO Deportation Officers, and records checks of law enforcement databases. I have also reviewed records from the official immigration file and system automated data relating to Darwin Odonel HERNANDEZ-MENDEZ.
4. The information set forth in this affidavit is for the limited purpose of establishing probable cause and does not necessarily include all the information known to law enforcement related to this investigation.

PROBABLE CAUSE

5. HERNANDEZ-MENDEZ is a twenty-eight-year-old male, native and citizen of Guatemala who last entered the United States at or near an unknown place, on or about an unknown date without being inspected and admitted or paroled by an immigration officer.

6. On or about August 29, 2015, U.S. Border Patrol encountered HERNANDEZ-MENDEZ at or near Hidalgo, Texas. During the encounter, HERNANDEZ-MENDEZ admitted that he was a citizen and national of Guatemala without proper immigration documents to allow him to enter or remain in the United States legally, and that he was not inspected by an immigration officer at a designated port-of-entry.
7. HERNANDEZ-MENDEZ was processed for immigration removal proceedings and served with a Notice to Appear (NTA). HERNANDEZ-MENDEZ was released from custody on his own recognizance.
8. On March 12, 2019, an immigration judge in Detroit, Michigan granted HERNANDEZ-MENDEZ a voluntary departure to Guatemala with a required departure date from the United States on or before July 10, 2019.
9. HERNANDEZ-MENDEZ failed to depart the United States prior to the end of the voluntary departure period, and, on July 11, 2019, his grant of voluntary departure automatically reverted to a final order of removal to Guatemala.
10. On May 22, 2021, the Washtenaw County Sheriff's Department arrested HERNANDEZ-MENDEZ and charged him with Operating Under the Influence of Alcohol, in violation of Michigan Compiled Laws (MCL) § 257.625(1).
11. On April 30, 2022, the Washtenaw County Sheriff's Department arrested HERNANDEZ-MENDEZ and charged him with Operating with Blood Alcohol Content of .17% or More, in violation of MCL § 257.625(1)(c).
12. On March 30, 2023, HERNANDEZ-MENDEZ pled guilty to the offense of Operating While Impaired, in violation of MCL § 257.625(3), and Operating with Blood Alcohol Content of .17% or More, in violation of MCL § 257.625(1)(c), in the 41B District Court in Ypsilanti, Michigan. On June 15, 2023, HERNANDEZ-MENDEZ was sentenced to twenty-four months of probation.

13. On or about November 2, 2023, the ICE ERO Detroit ATD Targeting Team encountered HERNANDEZ-MENDEZ at his residence in Ypsilanti, Michigan. The address was obtained from a previous arrest record, and the vehicle registered to HERNANDEZ-MENDEZ was observed at the residence.
14. The ATD Targeting Team observed a male matching the description of HERNANDEZ-MENDEZ enter the vehicle and depart the residence. The ATD Targeting Team initiated a stop of the subject vehicle and positively identified HERNANDEZ-MENDEZ as the driver. The ATD Targeting Team arrested HERNANDEZ-MENDEZ and processed him for removal from the United States based on the violation of his voluntary departure order.
15. On November 15, 2023, HERNANDEZ-MENDEZ was removed from the United States to Guatemala via an ICE charter flight via Alexandria, Louisiana.
16. On or about June 2, 2024, the Washtenaw County Sheriff's Department contacted the ICE ERO Detroit duty agent about a criminal investigation involving HERNANDEZ-MENDEZ in Ypsilanti, Michigan at the address where HERNANDEZ-MENDEZ was last encountered before his prior removal from the United States in November 2023.
17. On or about June 7, 2024, HERNANDEZ-MENDEZ was charged with Assault with Intent to Do Great Bodily Harm Less than Murder, in violation of MCL § 750.84, and Domestic Violence, in violation of MCL § 750.81(2), in the 41B District Court in Ypsilanti, Michigan.
18. On or about June 10, 2024, the 41B District Court issued a warrant for the arrest of HERNANDEZ-MENDEZ. The disposition of this arrest is pending.
19. On or about June 27, 2024, the ICE ERO Detroit ATD Targeting Team surveilled the area where HERNANDEZ-MENDEZ was residing in Ypsilanti, Michigan and identified the same vehicle that HERNANDEZ-MENDEZ was driving on November 2, 2023, when he was apprehended by the ATD Targeting Team.

20. A review of immigration records (AXXX XXX 079) for HERNANDEZ-MENDEZ and queries in the U.S. Department of Homeland Security databases revealed that no record exists of HERNANDEZ-MENDEZ obtaining consent from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal from the United States to Guatemala on November 15, 2023.

CONCLUSION

21. Based on the above information, I respectfully submit that there is probable cause to conclude that, on or about June 2, 2024, within the Eastern District of Michigan, Darwin Odonel HERNANDEZ-MENDEZ is an alien who, after having been removed from the United States on or about November 15, 2023 at Alexandria, Louisiana, was thereafter found in the United States without having obtained the express consent or permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission to the United States, in violation of Title 8, United States Code, § 1326(a).



Jason Bylow, Deportation Officer
Enforcement and Removal Operations
Immigration and Customs Enforcement
U.S. Department of Homeland Security

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable Anthony P. Patti
United States Magistrate Judge
Dated: July 3, 2024